

## Message Text

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ORIGIN L-03

INFO OCT-01 EA-06 ISO-00 OES-03 NSF-01 EB-07 COME-00 EPA-01

CEQ-01 SS-15 NSC-05 CIAE-00 INR-07 NSAE-00 /050 R

DRAFTED BY L/T:WMMCQUADE:RVW

APPROVED BY L/T:JABOYD

EA/J - MR. DUNKERLEY

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P 312113Z JUL 75

FM SECSTATE WASHDC

TO AMEMBASSY TOKYO PRIORITY

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E.O. 11652: N/A

TAGS: PFOR, SENV, JA

SUBJECT: US-JAPAN ENVIRONMENTAL COOPERATION AGREEMENT

REFS: TOKYO 10057; STATE 175658

1. MR. SAWAMURA OF JAPANESE EMBASSY CALLED OFFICE OF ASSISTANT LEGAL ADVISER FOR TREATY AFFAIRS (L/T) ON JULY 31 TO POINT OUT CERTAIN DISCREPANCIES BETWEEN TEXT OF ENVIRONMENTAL COOP AGREEMENT "AGREED" IN TOKYO AND THE ENGROSSED COPY BEING PREPARED IN WASHINGTON FOR SIGNATURE ON AUGUST 5. MR. SAWAMURA INFORMED MR. MCQUADE THAT TOKYO WANTS ALL SUCH CHANGES TO BE RESTORED TO THE FORM AGREED UPON IN TOKYO.

2. ALL OF THE CHANGES AT ISSUE WERE MADE CONSCIOUSLY BY L/T WITH AN EYE TO ITS RESPONSIBILITY TO ASSURE THAT THE ENGLISH LANGUAGE TEXT IS IN PROPER FINAL FORM AND, IN ONE INSTANCE, TO COMPLY WITH WHAT WERE UNDERSTOOD TO BE GOJ WISHES.

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3. THE DISCREPANCIES AND REASONING OF RESPECTIVE CHANGES

ARE AS FOLLOWS:

A) ART 3, PARA (A) - AFTER THE COLON AFTER "COMPRISE"  
IN THE FIRST LINE OF (A) THE ENGROSSED VERSION CONTINUES

ON THAT LINE WITH THE WORD "AIR" AND CONTINUES FROM THE  
MARGIN WITH "POLLUTION" ON THE NEXT LINE. THE TOKYO DRAFT  
GOES TO THE NEXT LINE AFTER THAT COLON AND INDENTS TO  
BEGIN WITH "AIR POLLUTION". THERE IS NO REASON TO SET  
THE SENTENCE AS DONE IN THE TOKYO TEXT AND THE CHANGE WAS  
DONE TO ASSURE THAT PROPER ENGLISH STYLE IS OBSERVED AND  
TO AVOID LATER QUESTIONS AS TO WHAT THE STRANGE FORMAT  
SET ON THE TOKYO DRAFT MIGHT MEAN.

B) ARTICLE 10 - THE TOKYO DRAFT SETS THIS ARTICLE AS  
TWO PARAGRAPHS AND IN THE ENGROSSED VERSION IT WAS CHANGED  
TO BE ONE PARAGRAPH. THIS WAS DONE BECAUSE IT IS NOT  
CUSTOMARY TO HAVE AN UNNUMBERED PARAGRAPH WITHIN A  
NUMBERED PARAGRAPH AND THE SENSE OF THE MATERIAL IN  
ARTICLE 10 SHOULD PROPERLY BE ADDRESSED IN A SINGLE  
PARAGRAPH IN ANY EVENT.

C) THE POSITIONING OF THE SIGNATURE BLOCKS IN BOTH THE  
AGREEMENT AND THE AGREED MINUTES - IN THE TOKYO DRAFT  
THE SIGNATURE BLOCKS WERE SET "SIDE BY SIDE" BUT PURSUANT  
TO A CABLE FROM AMEMBASSY TOKYO (TOKYO 10057), IT WAS  
UNDERSTOOD THAT THE GOJ PREFERRED THE OLDER, "OVER AND  
UNDER" STYLE. THERE IS AMPLE PRECEDENT FOR DOING IT  
EITHER WAY, BUT THE ENGROSSED VERSION WAS CHANGED TO  
"OVER AND UNDER" TO COMPLY WITH WHAT WAS UNDERSTOOD TO  
BE GOJ DESIRES, AND AMEMBASSY TOKYO WAS SO INFORMED  
(STATE 175658). MR. SAWAMURA NOW SAYS THAT GOJ PREFERS  
"SIDE BY SIDE FORMAT".

D) AGREED MINUTES, SECOND PARAGRAPH - THE TOKYO DRAFT  
REFERS TO "ORGANISATION FOR ECONOMIC CO-OPERATION AND  
DEVELOPMENT" AND IN THE ENGROSSED VERSION "ORGANISATION"  
WAS CHANGED TO "ORGANIZATION" AND "CO-OPERATION" WAS  
CHANGED TO "COOPERATION". THESE CHANGES WERE MADE TO  
BRING THE TEXT INTO CONFORMITY WITH PREFERRED AMERICAN  
(AS OPPOSED TO BRITISH) ENGLISH USAGE (SEE E.G., WEBSTER'S  
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NEW WORLD DICTIONARY, 2ND COLLEGE ED.) AND, MOREOVER, TO  
FOLLOW THE PRECEDENT OF UNITED STATES LEGISLATIVE USAGE  
(SEE E.G., 22 U.S.C. SEC. 2391(C)).

#### 4. SUMMARY

SUCH NONSUBSTANTIVE CHANGES ARE OFTEN MADE WHEN ENGROSSING  
TEXTS TO WHICH AGREEMENT ON SUBSTANCE HAS BEEN MADE  
PREVIOUSLY, AND IT IS AMONG THE RESPONSIBILITIES OF L/T

TO ASSURE THAT AGREEMENTS ARE NOT SIGNED BY USG REPRESENT-  
ATIVES WHICH CONTAIN IMPROPER, AMBIGUOUS, OR CONFUSING  
USAGE.

5. REGARDING ITEM (A) OF THIS MEMO, IT IS FELT THAT

FOLLOWING THE TOKYO DRAFT WOULD ILL SERVE THE GOJ AS WELL  
AS THE USG BECAUSE THERE IS NO REASON FOR THAT FORMAT,  
AND DOUBTS COULD ARISE AS TO THE PURPOSE INTENDED. THE  
MATTER ADDRESSED IN ITME (B) IS LESS SERIOUS, BUT THE  
TOKYO VERSION DOES NOT CONFORM TO THE BEST DRAFTING  
STYLE. IN THE ITEM (C) MATTER, IT IS QUITE ACCEPTABLE  
TO FOLLOW WHICHEVER FORMAT THE JAPANESE DESIRE. REGARDING  
ITEM (D) IT IS STRONGLY FELT THAT AMERICAN ENGLISH SPELLING  
SHOULD BE FOLLOWED IN ANY ENGLISH LANGUAGE TEXT PREPARED  
BY THE USG.

6. THE ABOVE POINTS HAVE BEEN DISCUSSED JAPANESE  
EMBASSY HERE. SUGGEST THAT IT MIGHT BE USEFUL FOR  
EMBASSY TO RECONFIRM THESE POINTS DIRECTLY WITH FONOFF  
TO EXPEDITE RESOLUTION. INGERSOLL

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